

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

<b>In Re:</b>	)	<b>Case No. 10-11336-jmd</b>
	)	<b>Chapter 7 Proceeding</b>
<b>James Fred Albies and Carol</b>	)	
<b>Elisabeth Albies</b>	)	
<b>Debtor</b>	)	
	)	
<b>US Bank, N.A.</b>	)	
<b>Movant</b>	)	
	)	
<b>vs.</b>	)	
	)	
<b>James Fred Albies and Carol</b>	)	
<b>Elisabeth Albies</b>	)	
<b>and Timothy P. Smith, Trustee</b>	)	
<b>Respondent</b>	)	

**MOTION TO RECONSIDER THE ORDER DENYING**

**RELIEF FROM AUTOMATIC STAY**

The Movant, US Bank, N.A., pursuant to the FRBP 9024 and FRBP 60(b), moves this Court to reconsider the order denying relief from the automatic stay provisions of 11 U.S.C. 362 upon the following grounds:

1. On October 26, 2010, the Movant filed a motion for relief. A hearing date was set for Novemer 24, 2010.
2. On November 5, 2010, the Movant received notice that the case would be dismissed or converted to a Chapter 7 by November 22, 2010.
3. On November 22, 2010, the Movant received notice that the debtor's chapter 13

case was converted to a case under Chapter 7.

4. Since the Debtor's case converted to a Chapter 7, the Movant believed that the hearing on its motion for relief would not be held and the motion would be marked off so that the Movant could amend and provide notice to the Chapter 7 trustee.

5. On November 24, 2010, however, a hearing was held and an order was entered denying without prejudice the Movant's Motion for Relief from the Automatic Stay for lack of prosecution.

6. The Movant requests that said order be vacated.

WHEREFORE, the Movant respectfully requests this court reconsider the order denying its Motion for relief from the automatic stay and allow the Movant to amend its Motion for Relief to be heard by this Court.

US Bank, N.A.

Dated: January 21, 2011

By /s/Jeffrey J. Hardiman  
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